

REMARKS

Claims 1-8 and 10-12 are now in this application. Claims 1-9 are rejected. Claims 3, 4 and 5 are objected to. Claim 9 is cancelled herein without prejudice. Claims 1, 3, 7 and 8 are amended herein to clarify the invention and to address matters of form unrelated to substantive patentability issues. New claims 10-12 are added.

Applicants herein traverse and respectfully request reconsideration of the rejection of the claims and objection cited in the above-referenced Office Action.

The drawings are objected to as having a mislabeled flow diagram box (ST9) in Fig. 2. A replacement sheet is attached, and includes a change to Fig. 2. This sheet replaces the original sheet including Fig. 2, and corrects the mislabeling of flow diagram box (ST9). Withdrawal of the drawing objection is earnestly requested.

The title is objected to in the Office Action as being non-descriptive. The title is replaced with the following: "BASEBALL GAME PROGRAM, COMPUTER-READABLE RECORDING MEDIUM, AND METHOD SUITED FOR USE WITH PERSONAL COMPUTERS" to overcome this objection. It is respectfully submitted that the amended title is clearly indicative of the invention to which the claims are directed. Applicants respectfully request that the objection to the title be withdrawn.

The specification is objected to for various noted informalities. Applicants have amended the noted sections of the specification, to address these informalities. No new matter is added. Withdrawal of the objection is respectfully solicited.

Claims 3, 4 and 5 are objected to for using the terms “batter character” and “bat character.” Applicants respectfully traverse these objections. There two terms are intended to identify two distinct entities, i.e., a batter character and the bat itself, respectively. Claim 1 has been amended to provide clearer antecedent for the bat character. Withdrawal of the objection is earnestly solicited.

Claims 1-9 are rejected as indefinite under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter of the invention as a result of informalities stated in the Office Action. Claim 9 is canceled rendering the rejections moot. The remaining claims are amended as required to remove or correct the informalities noted in the Office Action. Therefore, reconsideration of the rejection of claims 1-8 and their allowance are earnestly requested.

Claim 9 is rejected as indefinite under 35 U.S.C. §101 for being directed to non-statutory subject matter. The cancellation of claim 9 herein renders the rejection moot.

Claims 1-9 are rejected under 35 U.S.C. § 102(b) as being anticipated by Lipson (US 5,435,554). Claim 9 is canceled, rendering its rejection moot.

Applicants herein respectfully traverse these rejections as they pertain to remaining claims 1-8.

For a rejection to be sustained under §102(b) each and every element of the claimed invention must be disclosed in the cited prior art reference. It is respectfully submitted that the cited reference fails to disclose at least the following features and elements of the present invention as noted herein.

Each of independent claims 1, 7 and 8 recite that

receiving input of contents of instructions based on a moving operation and a button operation made by the game player on a pointing device, wherein . . . designation of instructions for alteration of a height of the bat character is accomplished by the moving operation of said pointing device in cases where bunting is selected as the offensive action of said batting character;

changing the height of the bat character displayed on the monitor screen according to the received instructions regarding the alteration of the height of the bat character;

While it is the Examiner's position that Lipson teaches designation of instructions for alteration of a height of the bat character is accomplished by the moving operation of said pointing device in cases where bunting is selected as the offensive action of said batting character, providing as alleged support reference to col. 14, lines 17-35, this disclosure merely include a description of the vertical position of the batter's swing relative to the strike zone, and relates only to the adjustment in the batting position in a vertical direction when swinging. In contrast, the claims as now written define the height of the bat when bunting. No such disclosure relating to a bunting operation appears in the portion of Lipson indicated by the Examiner. In fact, there are only two occurrences in Lipson where a bunting operation is mentioned, i.e., col.5, line 15, and col. 16, line 18, neither of which passages provides teaching or suggestion of the claimed feature.

Moreover, the claims recite that the height of the bat character when bunting is adjusted by an operation of the pointing device. The use of a pointing device to alter the height of the bat in not taught or suggested by Lipson.

Claims 1-8 are amended and particularly describe and distinctly claim elements not disclosed in the cited reference. Therefore, reconsideration of the rejections of claims 1-8 and their allowance are respectfully requested.

Claims 10-12 are added and are submitted as patentable over the cited art of record insofar as they recite subject matter which is not believed disclosed in the cited art in the manner as claimed, including the use of a mouse for operations in a

baseball game and meet cursor operation. Favorable action on the merits is respectfully requested.

Three (3) further independent claims in excess of three are added. Accordingly, please charge the fee of \$258 to Deposit Account No. 10-1250.

Applicants respectfully request a two (2) month extension of time for responding to the Office Action. Please charge the fee of \$420 for the extension of time to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-1250.

Respectfully submitted,
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enc: Replacement drawing sheet